

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JAVIER AMBLER, SR., AND MARITZA	§	
AMBLER, INDIVIDUALLY, ON	§	
BEHALF OF ALL WRONGFUL DEATH	§	
BENEFICIARIES OF JAVIER AMBLER,	§	
II, ON BEHALF OF THE ESTATE OF	§	
JAVIER AMBLER, II, AND AS NEXT	§	
FRIENDS OF J.R.A., A MINOR CHILD;	§	
AND MICHELE BEITIA, AS NEXT	§	
FRIEND OF J.A.A., A MINOR CHILD,	§	CAUSE NO. 1:20-CV-1068-LY
PLAINTIFFS,	§	
	§	
V.	§	
	§	
MICHAEL NISSEN AND CITY OF	§	
AUSTIN,	§	
DEFENDANTS.	§	

**UNOPPOSED JOINT MOTION TO SEVER ALL CLAIMS AGAINST
DEFENDANTS WILLIAMSON COUNTY, TEXAS, ROBERT CHODY,
JAMES “JJ” JOHNSON, ZACHARY CAMDEN, AND JASON NASSOUR**

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to Federal Rule of Civil Procedure 21, Defendants WILLIAMSON COUNTY, TEXAS (the “County”), ROBERT CHODY, JAMES “JJ” JOHNSON, ZACHARY CAMDEN, and JASON NASSOUR (collectively, the “County Defendants”) jointly file this Motion to Sever all claims and causes of action against them, and, in support thereof, will respectfully show the following:

I. INTRODUCTION

1. This Court has dismissed Plaintiffs’ claims against the County Defendants. Although these claims have been dismissed, Plaintiffs’ claims against Defendants City of Austin and Michael Nissen remain. Therefore, the County Defendants request that the Court sever the claims and causes of action against them from the claims and causes of action asserted against the other Parties, Defendants City of Austin and Michael Nissen, and assign the severed claims a new

cause number, so that the previously-granted Motion to Dismiss in favor of the County Defendants can become a final judgment.

II. FACTUAL BACKGROUND

2. Plaintiffs and Defendant Williamson County reached a settlement of this matter that has been approved by the Court after a hearing on December 21, 2021.¹

3. On January 5, 2022, and pursuant to the settlement agreement, Plaintiffs filed a Partial Motion to Dismiss only Defendants Williamson County, Robert Chody, James “JJ” Johnson, Zachary Camden and Jason Nassour.²

4. On January 6, 2022, the Court entered its Order³ granting Plaintiffs’ partial motion. The Court specifically ordered that:

- “...only Defendants Williamson County, Texas, Robert Chody, James “JJ” Johnson, Zachary Camden and Jason Nassour are hereby dismissed with prejudice.”

III. ARGUMENTS & AUTHORITIES

5. Federal Rule of Civil Procedure 21 provides this Court with broad discretion to sever claims. FED. R. CIV. P. 21. (“The court may also sever any claim against a party.”).

6. Severance is appropriate here. By severing the claims against the County Defendants, the Court could enter a final judgment, allowing the claims against the County Defendants to be definitively disposed. “Severance under Rule 21 creates two separate actions or suits where previously there was but one. Where a single claim is severed out of a suit, it proceeds as a discrete, independent action, and a court may render a final, appealable judgment in either one of the resulting two actions notwithstanding the continued existence of unresolved claims in the

¹ Dkt. No. 105.

² Dkt. No. 106.

³ Dkt. No. 107.

other.” *Allied Elevator, Inc. v. E. Tex. State Bank*, 965 F.2d 34, 36 (5th Cir. 1992) (quoting *U.S. v. O’Neil*, 709 F.2d 361, 368 (5th Cir. 1983)). A severance will avoid prejudice to the County Defendants, and also effectuate justice for them. Severance will allow the County Defendants to avoid additional and unnecessary litigation expenses as Plaintiffs’ claims against the remaining Defendants proceed.

7. All of the Parties are unopposed to this request.

8. Accordingly, the County Defendants move for severance, not for the purposes of delay, but so that justice may be done.

IV. PRAYER

Based on the foregoing, Defendants WILLIAMSON COUNTY, ROBERT CHODY, JAMES “JJ” JOHNSON, ZACHARY CAMDEN and JASON NASSOUR pray that the Court sever them from this action, assign the severed claim a new cause number, and grant a final judgment as to them. The County Defendants also pray for any other relief, at law or in equity, to which they are justly entitled.

Respectfully submitted,



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CERTIFICATE OF CONFERENCE

I certify that I have conferred with counsel for all Parties, and all Parties are unopposed to the relief requested in this Motion.



Carmen Jo Rejda-Ponce

CERTIFICATE OF SERVICE

I certify that on the 18th day of January, 2022, a copy of the foregoing document was electronically filed on the CM/ECF system, which will automatically serve a Notice of Electronic Filing to all counsel of record pursuant to the Federal Rules of Civil Procedure.



Carmen Jo Rejda Ponce